

Draft Order laid before Parliament under section 2(6G) of the Sex Offenders Act 1997, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

**CRIMINAL LAW, ENGLAND AND WALES
CRIMINAL LAW, NORTHERN IRELAND**

**Sex Offenders (Notice Requirements)
(Foreign Travel) Regulations 2001**

Made - - - - 2001
Coming into force - - 1st June 2001

Whereas a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 2(6D) to (6G) and 10(6) of the Sex Offenders Act 1997(1), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sex Offenders (Notice Requirements) (Foreign Travel) Regulations 2001 and shall come into force on 1st June 2001.

Interpretation

2. In these Regulations, “the Act” means the Sex Offenders Act 1997.

Determination of point of arrival

3.—(1) For the purposes of section 2(6E)(a) of the Act and of these Regulations, a person’s point of arrival in a country is to be determined in accordance with this regulation.

(2) In a case in which a person will arrive in a county by rail, sea or air, his point of arrival is the station, port or airport at which he will first disembark.

(3) In a case in which a person will arrive in a country by any means other than those mentioned in paragraph (2) above, his point of arrival is the place at which he will first enter the country.

(1) 1997 (c. 51). Section 2(6D) to (6G) was inserted by paragraph 4 of Schedule 5 to the Criminal Justice and Court Services Act 2000 (c. 43), and section 10(6) was inserted by paragraph 9 of Schedule 5 to the Criminal Justice and Court Services Act 2000.

Notice to be given before leaving the United Kingdom

4.—(1) This regulation applies to persons who—

- (a) are subject to the notification requirements of Part I of the Act, and
- (b) intend to leave the United Kingdom for a period of eight days or longer.

(2) Every person to whom this regulation applies must give a notice under section 2(6E) of the Act at least 24 hours prior to his intended departure from the United Kingdom.

Additional information to be disclosed in a notice under section 2(6E) of the Act

5. In addition to the information required to be disclosed under section 2(6E)(a) of the Act, a notice under section 2(6E) must disclose, where a person holds such information at least 48 hours prior to his intended departure from the United Kingdom—

- (a) where he intends to travel to more than one country outside the United Kingdom, his intended point of arrival in each such additional country,
- (b) the identity of any carrier or carriers he intends to use for the purposes of his departure from and return to the United Kingdom, and of travelling to any other point of arrival,
- (c) details of his accommodation arrangements for his first night outside the United Kingdom,
- (d) in a case in which he intends to return to the United Kingdom on a particular date, that date, and
- (e) in a case in which he intends to return to the United Kingdom at a particular point of arrival, that point of arrival.

Change to information disclosed in a notice under section 2(6E) of the Act

6.—(1) Where—

- (a) a person has given a notice under section 2(6E) of the Act, and
- (b) at any time earlier than 48 hours prior to his intended departure from the United Kingdom, the information disclosed in that notice becomes inaccurate or incomplete as a statement of all the information mentioned in section 2(6E)(a) of the Act and regulation 5 above which he currently holds,

the person must give a fresh notice under section 2(6E) of the Act.

(2) A fresh notice under paragraph (1) above must be given at least 24 hours prior to the person's intended departure from the United Kingdom.

Notice to be given on return to the United Kingdom

7.—(1) This regulation applies to persons who—

- (a) were required to give a notice under section 2(6E) of the Act,
- (b) have left the United Kingdom accordingly, and
- (c) have subsequently returned to the United Kingdom.

(2) Except as provided by paragraph (3) below, every person to whom this regulation applies must give notice under section 2(6F) of the Act within eight days of his return to the United Kingdom.

(3) A person to whom this regulation applies need not give a notice under section 2(6F) of the Act in any case in which he gave a relevant notice under section 2(6E) of the Act which—

- (a) disclosed a date under the provisions of sub-paragraph (d) of regulation 5 above, and
- (b) disclosed a point of arrival under the provisions of sub-paragraph (e) of regulation 5 above,

and in which his return to the United Kingdom was on that date and at that point of arrival.

Information to be disclosed in a notice under section 2(6F) of the Act

8. A notice under section 2(6F) of the Act must disclose the date of the person's return to the United Kingdom and his point of arrival in the United Kingdom.

Giving a notice

9.—(1) Subject to paragraph (2) below, for the purpose of giving a notice under section 2(6E) or 2(6F) of the Act, a person must attend at a police station—

- (a) which is in his local police area, and
- (b) at which, pursuant to the provisions of section 2(5) of the Act, notifications under section 2(1) of the Act may from time to time be made.

(2) For the purpose of giving a fresh notice under section 2(6E) of the Act as required by regulation 6 above, a person must attend at a police station at which, pursuant to the provisions of section 2(5) of the Act, notifications under section 2(1) of the Act may from time to time be made, but such police station need not be in his local police area.

(3) A notice under section 2(6E) or 2(6F) of the Act must be given to a police officer, or to a person authorised by the officer in charge of the station under section 2(5)(b) of the Act for the purpose of receiving a notification under that section.

(4) A person giving a notice under section 2(6E) or 2(6F) of the Act must inform the person to whom he gives the notice of—

- (a) his name, and
- (b) his home address

as currently notified under section 2(1) or (2) of the Act.

(5) A person giving a fresh notice under section 2(6E) of the Act as required by regulation 6 above must inform the person to whom he gives the notice of the police station at which he first gave a relevant notice under section 2(6E).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England, Wales and Northern Ireland. The Sex Offenders Act 1997 specifies in Part I that certain sex offenders are subject to requirements to notify certain personal details to the police. The Criminal Justice and Court Services Act 2000 amended the Sex Offenders Act to provide for such offenders to be subject to additional requirements to give notices where they propose to leave, and return to, the United Kingdom. These Regulations impose such requirements.

Regulation 4 requires a relevant sex offender to give a notice under section 2(6E) of the Act to the police at least 24 hours before he leaves the United Kingdom. The Act specifies that the notice must disclose the date of departure from the United Kingdom, the country to which the sex offender will travel (or, if there is more than one, the first country), and the point of arrival in that country. A person's "point of arrival" in any country is to be determined in accordance with Regulation 3.

Regulation 5 provides that the section 2(6E) notice must additionally disclose the following information in relation to the sex offender's intended travels, where that information is held at least 48 hours prior to his intended departure: the intended point of arrival in each country that he intends to travel to; any carriers that he intends to travel from one country to another with; details of his accommodation arrangements for his first night outside the United Kingdom; the date of intended return to the United Kingdom; and the intended point of arrival on return to the United Kingdom.

Regulation 6 provides that where a section 2(6E) notice has already been given, but at any time up until 48 hours prior to the sex offender's intended departure, the information disclosed in that notice becomes out of date, then a fresh notice under section 2(6E) must be given no later than 24 hours prior to his intended departure.

Regulations 7 and 8 require the sex offender to give a notice pursuant to section 2(6F) within eight days of his return to the United Kingdom, disclosing his date of return and point of arrival in the United Kingdom, unless that information has previously been notified.

Regulation 9 sets out the general rule that to give a notice the sex offender must attend in person at a police station in his local police area at which, pursuant to the provisions of section 2(5) of the Act, notifications under section 2(1) of the Act may from time to time be made. The exception to this rule is in the case of a fresh notice under section 2(6E) and regulation 6, which must be given at a police station at which, pursuant to the provisions of section 2(5) of the Act, notifications under section 2(1) of the Act may from time to time be made, but that need not be in the sex offender's local police area. Provision is made in paragraphs 2 and 3 of Schedule 5 to the Criminal Justice and Court Services Act 2000 to amend section 2(5) of the Act. "Local police area" is defined in section 2(7) of the Act.

Regulation 9 also provides that a sex offender giving a notice under section 2(6E) or 2(6F) must inform the person to whom he gives the notice of his name and his home address, as they are currently notified under section 2(1) or (2) of the Act; and where he is giving a fresh notice under section 2(6E) and regulation 6, he must inform the person to whom he gives the notice of the police station at which he first gave a relevant notice under section 2(6E).